IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7050 OF 2003

Shivaji Hanmant Sugare. ..Petitioner.

V/s.

Kamal Babusha Gunge & Ors. ..Respondents.

Mr.Shrishail Sakhare for Petitioner.

Mr. Viresh V. Purwant for Respondent Nos.1, 2 and 4.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 29, 2006.

P.C. :

1. Counsel for the petitioner states that petitioner would like to withdraw this petition and pursue remedy of appeal. Counsel for the respondents has no objection for permitting withdrawal of the writ petition, but submits that question whether the first appeal is barred by limitation, should be kept open, which will be decided at the appropriate stage. There is no difficulty in accepting this request. In the circumstances, by consent, Writ Petition is allowed to be withdrawn with liberty to the respondents to resist first appeal on the ground that it is barred by delay and that explanation offered, if any, is not satisfactory and genuine one. All question in that behalf are left open. Ordered

accordingly.